

Notice of Allowability

Application No.

09/713,633

Examiner

Michael J. Yigdall

Applicant(s)

VENKATESAN ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on January 26, 2006.
2. ☒ The allowed claim(s) is/are 1-4, 6, 7, 14, 15 and 18-22 (renumbered 1-13).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060301.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This Office action is in response to Applicant's submission filed on January 26, 2006.

Claims 1-4, 6, 7, 14, 15 and 18-22 are pending.

Response to Amendment

2. The rejection of claims 8-13 and 15 under 35 U.S.C. 103(a) and the objection to claim 14 are withdrawn in view of Applicant's amendment.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lance Sadler (Reg. No. 38,605) on March 1, 2006.

4. The application has been amended as set forth below to obviate potential issues of non-statutory subject matter under 35 U.S.C. 101.

IN THE CLAIMS

Please amend claims 6, 7, 15, 18 and 22 as follows:

Claim 6 (Currently Amended),

At line 1, delete "computer-readable medium" and insert --computer storage medium-- therefor.

Claim 7 (Currently Amended),

At line 1, delete "computer-readable medium" and insert --computer storage medium-- therefor.

Claim 15 (Currently Amended),

At line 1, delete "computer-readable medium" and insert --computer storage medium-- therefor.

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Claim 18 (Currently Amended),

At line 1, after “patch data structure” and before “generated”, insert --embodied on a computer storage medium--.

Claim 22 (Currently Amended),

At line 1, delete “computer-readable medium” and insert --computer storage medium-- therefor.

Allowable Subject Matter

5. Claims 1-4, 6, 7, 14, 15 and 18-22 are allowed.
6. A statement of reasons for the indication of allowable subject matter was set forth in the Office action mailed on January 3, 2006, and is reproduced here as an examiner's statement of reasons for allowance:

The prior art of record does not teach, in the express manner and combination recited in the independent claims, matching or comparing the content of the blocks in the control flow graphs of two programs based on the augmented local neighborhoods of the blocks, wherein the augmented local neighborhoods consist of the local neighborhoods of the blocks plus random samplings of blocks from substantially larger neighborhoods, but less than all of the blocks in the control flow graphs.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

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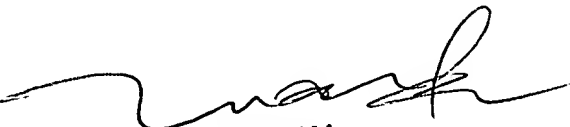
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael J. Yigdall
Examiner
Art Unit 2192

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TUAN DAM
SUPERVISORY PATENT EXAMINER